



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

40062

B-171969

October 11, 1973

Mr. John J. Larkins
9634 Aspen Place
Manassas, Virginia 22110

Dear Mr. Larkins:

By letter of July 3, 1973, you requested reconsideration of the Transportation and Claims Division settlement of June 27, 1973, [disallowing your claim for reimbursement of mileage] at 10 cents a mile and related per diem for travel by private automobile from Washington, D. C., to Stanford, California, and return.

The record shows that as a civilian employee of the Department of the Army you were awarded a Civil Service Commission Fellowship to attend Stanford University from September 1, 1971, to June 15, 1972, in a program for Education for Public Management. Pursuant to travel order LOG/72-174, dated August 3, 1971, you were authorized mileage reimbursement and per diem limited to the constructive cost of common carrier transportation (\$294 air fare) and related per diem as determined by the Joint Travel Regulations (JTR). Your orders allowed per diem at the rate of \$14 during the period of temporary duty (TDY) and \$25 a day for time spent in travel by airplane to and from Stanford, California.

You claim additional expenses in the amount of \$781 calculated as follows:

"Private auto = 6000 miles	at \$.10 mile	=	\$ 600.00
Per diem	= \$25/day for 20 days [travel]	=	500.00
			<u>\$1100.00</u>
Less \$25 approved per diem		-	25.00
Less \$294 approved air fare		-	294.00
			<u>\$ 781.00"</u>

You contend that there are, or should be, circumstances that warrant reimbursement for costs incident to the use of a private auto while on TDY even if that cost exceeds the cost of transportation by common carrier.

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The administrative report on your claim states in pertinent part:

" * * * It was the opinion of Mr. Larkins' supervisors and of this agency that it was more advantageous to the Government that Mr. Larkins be authorized to travel by privately owned conveyance only if he be allowed mileage reimbursement and per diem limited to constructive cost of common carrier transportation and related per diem as determined in the JTR. * * * This opinion was based on the fact that Mr. Larkins' use of a privately owned vehicle was his preference to allow his family to accompany him during his TDY and to provide his transportation in and around Stanford. It was not most advantageous to the Government since his family was not included in the TDY and if unaccompanied he could have elected to live on or closer to the University campus. It was further believed that the per diem allowance was being provided to help offset the inconvenience of residing away from his home.

"During the period in addition to his normal salary, Mr. Larkins was authorized round trip air fare, \$18 to offset transportation to and from airport, plus two days at \$25 and 289 days at \$14 for an approximate total of \$4408. This does not include the expenses incurred by Government contract to provide tuition and books in the amount of \$4780. In summary, the total cost to the Government was \$9188 plus the annual salary of a GS-14.

"It is the position of this agency that Mr. Larkins knew at the time his orders were published that it was most advantageous to the Government for him to use commercial travel facilities. At his request he was allowed to take his privately owned vehicle under the above conditions. It is believed the orders were correct as published and that Mr. Larkins has received full compensation for his TDY. It is further the position of this agency that there is no basis on which to approve Mr. Larkins' claim."

Payment of the expenses for your studies is governed by 5 U.S.C. 4109 (formerly section 10 of the Government Employees Training Act) which provides that the head of an agency, under regulations prescribed by the

-171969

Civil Service Commission, may pay, or reimburse the employee for, all or part of the necessary expenses of training, including the necessary costs of (A) travel and per diem or (B) transportation of immediate family, household goods and personal effects, etc., when the estimated costs of transportation and related services are less than the estimated per diem payment for the training period. See B-164864, November 19, 1968, copy enclosed.

5 CFR 410.601 provides that "the head of an agency shall determine which expenses constitute necessary training expenses under section 4109 of title 5, United States Code." For payment of training expenses generally see Federal Personnel Manual, Chapter 410, subchapter 6.

In accordance with the above authority it was administratively determined that it would be in the best interests of the Government for you to be authorized the necessary costs of travel and per diem rather than to have your family, household goods and personal effects transported to Stanford, California.

The administrative report indicates that your agency has complied with paragraph C6151 of the JTR, Volume 2, dated March 1, 1971 (superseded by C6151, October 10, 1971), which provides in pertinent part that "In determining whether or not the use of privately owned conveyance is more advantageous to the Government than other available modes of transportation, consideration will be given to the overall benefits, disadvantages, comparative costs of transportation, per diem, and reimbursable items, including * * * 4. location of places of temporary duty in relation to the location of quarters and meal facilities and the availability of modes of transportation, other than privately owned conveyance, between these points * * *." Furthermore, reimbursement of your travel expenses is subject to the provisions of paragraph C10157.2a, JTR, Volume 2, which stipulate that when travel by privately owned conveyance is not advantageous to the Government, reimbursement in all cases will be limited to an amount not in excess of the constructive cost of common carrier transportation and related per diem.

Therefore, on the basis of the record before us we can only affirm the disallowance of your claim.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States